

TODD KING, VOL I, 7-22-08

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

) 4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

VOLUME I VIDEOTAPED DEPOSITION OF TODD KING,
produced as a witness on behalf of the Defendants in
the above styled and numbered cause, taken on the 23rd
day of July, 2008, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Marlene Percefull,
a Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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69

1 pastures of the highest order we've ever had. How in 10:54AM
2 the world do you gauge an event like that?

3 MR. BLAKEMORE: Object to the form.

4 **A** I mean, there are extreme events that obviously
5 may exceed whatever the gauge was calibrated to. I'm 10:54AM
6 not sure that the numbers I've utilized have been more
7 on the average daily flow basis. I'm not sure if those
8 exceedances, those high infrequent events, would impact
9 substantially the analysis if there are errors there.

10 **Q** In Paragraph 2.3, you -- 10:55AM

11 **A** On Page 6?

12 **Q** Yes, sir.

13 **A** Okay.

14 **Q** You appear to limit your analyzes to phosphorus
15 bacteria total nitrogen, is that true? 10:55AM

16 **A** For the purposes of trying to quantify the
17 different remedial measures, I tried to generalize to
18 these three forms to facilitate the discussions and
19 presentation.

20 **Q** There's no discussion in here of heavy metals? 10:56AM

21 **A** No, sir.

22 **Q** And why didn't you address the issue of heavy
23 metals?

24 **A** That wasn't identified as one of the injuries to
25 me at the get-go. 10:56AM

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TODD KING, VOL I, 7-22-08

214

1 containing nitrates? 5:09PM

2 **A** Yes, sir.

3 **Q** Now, as to your three constituents of concern;
4 phosphorus, bacteria and nitrogen, total nitrogen; have
5 you traced the injury back to any source site for any 5:09PM
6 one of these constituents of concern?

7 **A** Me personally, no.

8 **Q** Now, you mentioned that you -- other experts
9 defined for you what the injuries were and that defined
10 the scope your project going forward, right? 5:09PM

11 **A** Yes, sir.

12 **Q** Now, for the total nitrogen, who -- who told you
13 that there was an injury in the Illinois River
14 Watershed associated with total nitrogen and you needed
15 to address that? 5:10PM

16 **A** Actually, specifically for total nitrogen and
17 bacteria for the drinking water well, that was actually
18 based on my own analysis of the 60 wells.

19 **Q** Okay. All right. Because I have read all the
20 other expert reports and I want you to correct me if my 5:10PM
21 statement is wrong. I have not seen any of the other
22 causation expert reports submitted by the plaintiff in
23 this matter where an expert offered the opinion that
24 there was a problem with total nitrogen in the Illinois
25 River Watershed. I've only seen that in your report, 5:10PM

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